

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Victor Schoenle et al. Art Unit : 3764
Serial No. : 10/669,059 Examiner : Walter Aughenbaugh
Filed : September 23, 2003 Conf. No. : 2738
Title : MEDICAL DEVICE COMPONENTS AND PROCESSES

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF AUGUST 1, 2007

In reply to the Office Action mailed August 1, 2007, Applicants request consideration of the following remarks. Applicants present claims 74, 76-84, 86-91 and 130-133 for examination.

35 U.S.C. §102(b) Rejections

The Examiner rejected claims 74, 76-78, and 80-82 under 35 U.S.C. §102(b) as being anticipated by Pinchuk et. al., U.S. Pat. No. 6,110,142 ("Pinchuk"), and the Examiner rejected claims 84, 86, 88, 89, 91, 132, and 133 under 35 U.S.C. §102(b) as being anticipated by Sahatjian, U.S. Pat. No. 5,306,246 ("Sahatjian").

Applicants' remind the Examiner that an Applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). *See In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994). Where an explicit definition for a claim term is provided by an Applicant, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *see also* MPEP § 2131. Further, anticipation of a claimed product cannot be predicated on mere conjecture as to the characteristics of a prior art product. *See W.L. Gore and Associates, Inc. v.*